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APPEAL BRIEF - PATENTS
 Examiner: R. SINGH
 Group Art Unit: 2644
 Confirmation No.: 1666

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FORMAL SUBMISSION OF:

1) Transmittal Letter; and 2) Appeal Brief.

Title:	TERMINAL BLOCK SELECTIVELY CONNECTING CUSTOMERS TO A TELECOMMUNICATIONS SERVICE PROVIDER
Serial No.	09/263,311
Filing Date:	March 8, 1999
First Named Inventor:	John J. KORMAN
Atty. No.	00-VE13.37
Customer Number:	32127

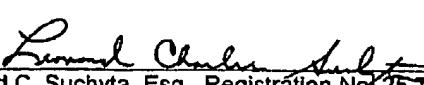
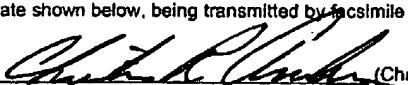
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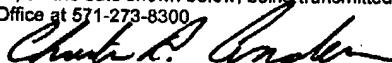
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TRANSMITTAL OF APPEAL BRIEF		Docket No. 00-VE13.37
In re Application of: John J. Korman et al.		
Application No. 09/263,311-Conf. #1666	Filing Date March 8, 1999	Examiner R. P. Singh
Invention: TERMINAL BLOCK FOR SELECTIVELY CONNECTING CUSTOMERS TO A TELECOMMUNICATIONS SERVICE PROVIDER		
<u>TO THE COMMISSIONER OF PATENTS:</u>		
Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed: <u>August 12, 2005</u> .		
The fee for filing this Appeal Brief is <u>\$ 500.00</u> .		
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<input type="checkbox"/> The Director is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. <u>07-2347</u> . This sheet is submitted in duplicate.		
 Leonard C. Suchyta, Esq., Registration No. 25,707 Attorney for Applicants VERIZON CORPORATE SERVICES GROUP, INC. c/o Christian Andersen 600 Hidden Ridge Mailcode HQE03H14 Irving, TX 75038 972-718-4800		Dated: <u>October 12, 2005</u>
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Docket No.: 00-VE13.37
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application of:
John J. Korman et al.

Application No.: 09/263,311

Confirmation No.: 1666

Filed: March 8, 1999

Art Unit: 2644

For: TERMINAL BLOCK SELECTIVELY
CONNECTING CUSTOMERS TO A
TELECOMMUNICATIONS SERVICE
PROVIDER

Examiner: R. Singh

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This appeal is from the decision of the Examiner dated April 13, 2005 ("Final Office Action"), finally rejecting claims 3-25, which are reproduced in an Appendix to this brief. The Notice of Appeal was filed on August 12, 2005. This application was filed on March 8, 1999. Submitted herewith are two additional copies of this Appeal Brief.

I. REAL PARTY IN INTEREST

The real party in interest is Verizon Services Corp. (formerly Bell Atlantic Network Services, Inc), a Delaware corporation having a place of business at 1310 North Court House Road, Arlington, Virginia, 22201.

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II. RELATED APPEALS AND INTERFERENCES

Applicants (hereinafter "Appellants") are not aware of any related appeals or interferences that would affect the Board's decision on the current appeal.

III. STATUS OF CLAIMS

Claims 3-25 are currently pending, and are the subject of the Appeal. In the Final Office Action, all pending claims were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Appellants' admitted prior art.

IV. STATUS OF AMENDMENTS

Following the Final Office Action of April 13, 2005, Appellants filed a Notice of Appeal on August 12, 2005. Accordingly, there are no outstanding after-final amendments to the claims.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellants' disclosure provides for an improved terminal block for connecting a customer with any one of a plurality of telecommunications service providers, so as to permit the customer's service provider to be changed without inserting or removing wires from the terminal block. The improved terminal block includes a first connection mechanism associated with a corresponding second connection mechanism. The first connection mechanism, when not disabled, connects a customer to a first service provider, and the second connection mechanism, when not disabled, connects the customer to a second service provider. A disabling mechanism is provided for disabling the first connection mechanism and/or the second connection mechanism. (Page 9, paragraph 1, lines 1-12 of Appellants' specification).

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For ease of reference, Figure 2 (as amended according to the Response filed November 9, 2004) showing an exemplary terminal block 200 having two service providers, is reproduced herein below.

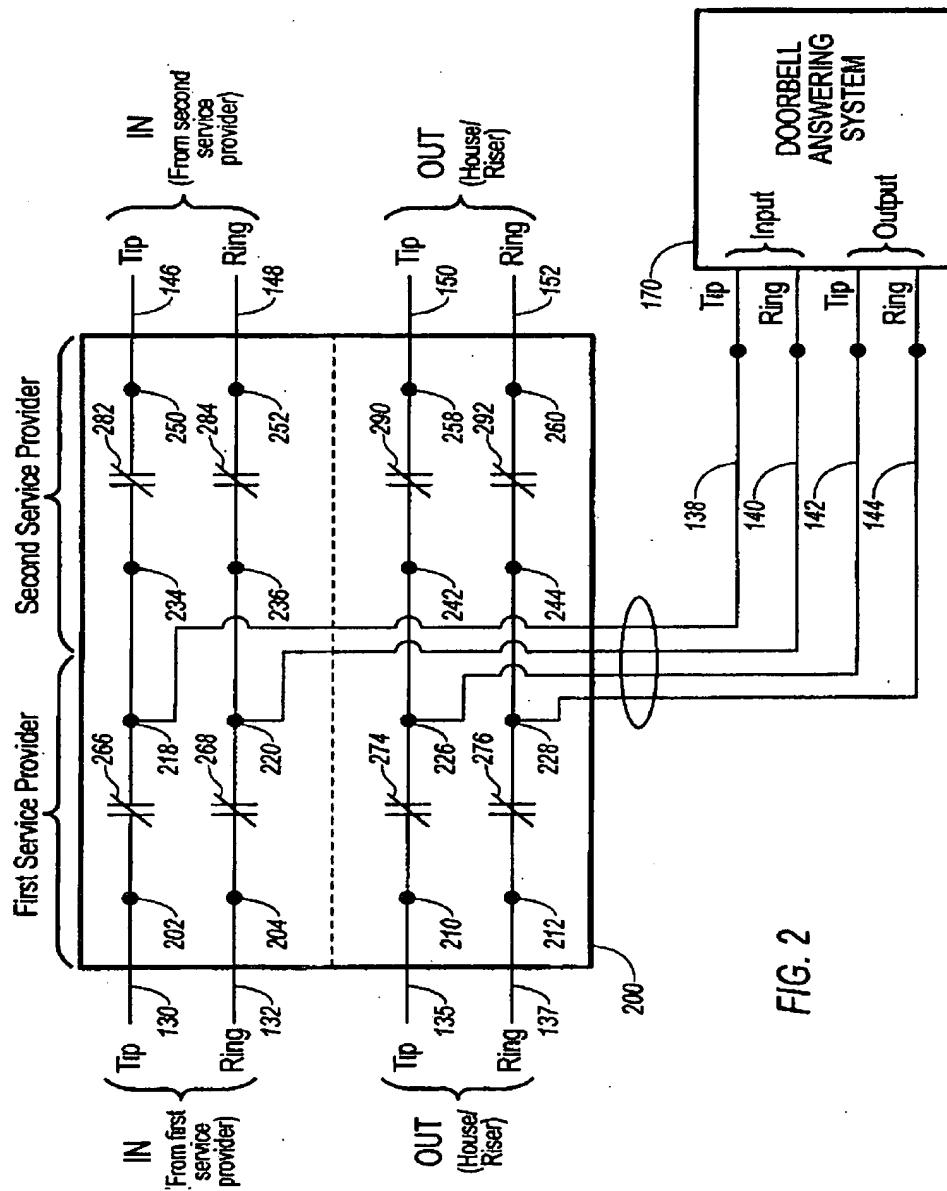


FIG. 2

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Although for ease of explanation Figure 2 shows only two service providers, and hence two connection mechanisms, any number of connection mechanisms representing the same number of service providers may be implemented. As shown in Figure 2, each first connection mechanism includes a first normally-closed contact 266 in series between a first terminal 202 and a second terminal 218, and a second normally-closed contact 268 in series between a third terminal 204 and a further terminal 220. Each second connection mechanism includes a first normally-closed contact 282 in series between a first terminal 234 and a second terminal 250, and a second normally-closed contact 284 in series between a third terminal 236 and a fourth terminal 252. Each respective first connection mechanism is associated with a corresponding second connection mechanism such that the second terminal 218 of a respective first connection mechanism is electrically connected to the first terminal 234 of a corresponding second connection mechanism, and the fourth terminal 220 of a respective first connection mechanism is electrically connected to the third terminal 236 of a corresponding second connection mechanism. In addition, the first and second connection mechanisms are connected respectively to first and second service providers. (Page 9, paragraph 2, lines 1-14 – page 10, lines 1-7 of Appellants' specification).

A disabling mechanism is used to open both normally-closed contacts 266, 268 of the first connection mechanism, thereby connecting a customer with the second telecommunications service provider, or to open both normally-closed contacts 282, 284 of the second connection mechanism, thereby connecting the customer with the first telecommunications service provider. The disabling mechanism may include one or more insulating plugs that are insertable between one or more normally-closed contacts. (Page 10, paragraph 1, lines 16-22 of Appellants' specification).

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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

In the Final Office Action, claims 3-25 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Appellants' admitted prior art (hereinafter "APA"). Accordingly, the issue presented in this appeal is whether claims 3-25 are patentable over APA.

VII. ARGUMENT

The Examiner bears the initial burden of *factually* supporting a *prima facie* case of obviousness. In view of all factual information, the Examiner must make a determination as to whether the claimed invention "as a whole" would have been obvious at the time the invention was made. (See MPEP §2142).

To establish a *prima facie* case of obviousness, the Examiner must show (1) a suggestion or motivation to modify or combine the reference teachings; (2) a reasonable expectation of success; and (3) a teaching or suggestion in the prior art references of all the claim limitations. The teaching or suggestion to make the claimed combination, and the reasonable expectation of success, must both be found in the prior art *and be not based on Applicant's disclosure. Id.* (*Emphasis Added*). Furthermore, to support an alleged conclusion that the claimed invention is directed to obvious subject matter, either the reference itself must expressly or impliedly suggest the claimed invention, or "the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985); See also MPEP §2142.

In this case, as discussed below, the Examiner has failed to meet the burden of stating a *prima facie* case of obviousness with respect to Appellants' claims. Accordingly, Appellants respectfully request that this Board reverse the rejections of claims 3-25 for any of the

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independent reasons set forth below.

A. APA Does Not Disclose or Suggest “a second connection mechanism,” as Required by Appellants’ Independent Claims.

Independent claims 3 and 4 are directed to a terminal block for connecting a customer with any of a plurality of telecommunications service providers. Similarly, independent claim 25 is directed to a method for connecting a customer with any of a plurality of telecommunications service providers using a terminal block. Independent claims 3 and 25 recite in part:

- a first connection mechanism which, when not disabled, connects a customer to a first service provider;
- a second connection mechanism which, when not disabled, connects the customer to a second service provider.

Similarly, independent claim 4 includes “a plurality of first connection mechanisms and a plurality of second connection mechanisms.” APA does not include a second connection mechanism of any kind.

The APA describes a terminal block configured to connect a customer to a single service provider and ancillary equipment. As acknowledged by the Examiner (Final Office Action, page 4), the terminal block includes a “stand-alone connection mechanism (100).” For this reason alone, the APA fails to meet the requirements of a *prima facie* case of obviousness because the APA fails to teach every limitation of the claim.

To compensate for this deficiency, however, the Examiner asserts that

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to repeat the single connection mechanism in series with the first connection mechanism to connect the customer to a second service provider so as to provide a customer with a choice to select any one of the telecommunications service providers available in the market.

In other words, the Examiner has merely stated the purpose of the claimed invention as the proposed motivation to modify the APA to achieve the claimed invention. This is an

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inappropriate application of hindsight in light of the Appellants' disclosure. The Examiner is required to provide some reason, suggestion or motivation as to why one of ordinary skill in the art would have modified the APA to achieve the claimed invention. That knowledge cannot come from the disclosure of Appellants' invention itself. *In re Oetiker*, 977 F.2d 1433, 24 USPQ2d 1443, 1446 (Fed. Cir. 1992). In this case, the Examiner has provided no explanation or evidence such as a specific understanding or principle known to one skilled in the art to support the allegation that the claimed invention is obvious in light of the APA.

For at least the reasons set forth above, the Examiner has failed to establish a *prima facie* case of obviousness against the pending claims. Accordingly, independent claims 3, 4, and 25 are in condition for allowance, as are claims 5-24 depending respectively therefrom. Therefore, the Examiner's rejection of claims 3-25 under Section 103 should be reversed.

B. APA Does Not Disclose or Suggest "inserting one or more insulating plugs ...", as Required by Independent Claim 25.

Independent claim 25 is directed to a method for connecting a customer with any of a plurality of telecommunications service providers using a terminal block. The method includes the step of

inserting one or more insulating plugs into at least one of the normally-closed contacts, so that either the first connection mechanism or the second connection mechanism is disabled during a time when the customer receives telecommunications service.

The APA does not teach or suggest this limitation. In fact, as discussed above, the APA only has a single connection mechanism. Therefore, it is simply impossible to insert an insulation plug into the normally-closed contact of the APA without completely disabling the entire terminal block. Appellants concede that the APA discloses inserting insulating plugs into the normally-closed contacts of the single connection mechanism for testing and diagnostic purposes. In this way, the entire terminal block is disabled. In contrast, the insulation plugs of

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the claimed invention are inserted into either the first or the second connection mechanism to disable one or the other during a time when the customer receives telecommunications service. In other words, a telecommunications service is provided to a customer through one connection mechanism while disabling another connection mechanism. Providing a terminal block that allows for a customer to switch from one telecommunications service provider to another without re-wiring the terminal block was the problem that the inventors were focused on solving; a problem that the APA does not solve. Accordingly, for these additional reasons, the Examiner has failed to establish a *prima facie* case of obviousness against the pending claims.

VIII. CONCLUSION

In view of the foregoing arguments, Appellants respectfully submit that the final rejections of the pending claims are improper and should not be sustained. Therefore, reversal of the final rejections is respectfully requested.

It is believed that a fee of \$500 is due with the Appeal Brief. Please charge our Deposit Account No. 07-2347, under Order No. 00-VE13.37, from which the undersigned is authorized to draw, for any fee due with this Appeal Brief. To the extent necessary, a petition for extension

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of time under 37 C.F.R. §1.136 is hereby made, the fee for which should be charged to the above account.

Respectfully submitted,

Date: October 12, 2005

By:

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IX. CLAIMS APPENDIX

A complete listing of the claims that are the subject of this Appeal is as follows.

3. A terminal block for connecting a customer with any of a plurality of telecommunications service providers, the block including:
 - a first connection mechanism which, when not disabled, connects a customer to a first service provider;
 - a second connection mechanism which, when not disabled, connects the customer to a second service provider; and
 - a disabling mechanism for disabling either the first connection mechanism or the second connection mechanism,
wherein the first and second connection mechanisms each include normally-closed contacts, and the disabling mechanism includes one or more insulating plugs insertable into at least one of the normally-closed contacts, so as to disable the first connection mechanism or the second connection mechanism or both the first and the second connection mechanisms.
4. A terminal block for connecting a customer with any of a plurality of telecommunications service providers, including:
 - a plurality of first connection mechanisms and a plurality of second connection mechanisms;
each first connection mechanism including a first normally-closed contact in series between a first terminal and a second terminal, and a second normally-closed contact in series between a third terminal and a fourth terminal;
 - each second connection mechanism including a first normally-closed contact in series between a first terminal and a second terminal, and a second normally-closed contact in series between a third terminal and a fourth terminal.
5. The terminal block of claim 4 wherein each of respective first connection mechanisms is associated with a corresponding second connection mechanism such that the second terminal of a respective first connection mechanism is electrically connected to the first terminal of a corresponding second connection mechanism, and the fourth terminal of a

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respective first connection mechanism is electrically connected to the third terminal of a corresponding second connection mechanism.

6. The terminal block of claim 5 further including a disabling mechanism in the form of removable insulating plugs which are insertable into any of the normally-closed contacts such that, upon insertion, electrical continuity between the normally-closed contacts is broken.

7. The terminal block of claim 6 wherein each of respective pairs of first and third terminals of first connection mechanisms are connected to corresponding incoming twisted-pair telephone lines from a first telecommunications service provider, and each of respective pairs of second and fourth terminals of second connection mechanisms are connected to corresponding incoming twisted-pair telephone lines from a second telecommunications service provider.

8. The terminal block of claim 7 wherein each of respective pairs of second and fourth terminals of first connection mechanisms and/or each of respective pairs of first and third terminals of second connection mechanisms are electrically connected to corresponding outgoing twisted-pair telephone lines.

9. The terminal block of claim 8 wherein the outgoing twisted-pair telephone lines are routed to a customer premises.

10. The terminal block of claim 8 wherein the outgoing twisted-pair telephone lines are routed to a customer premises through ancillary equipment.

11. The terminal block of claim 10 wherein the ancillary equipment is configured to provide a local loop to the customer premises.

12. The terminal block of claim 8 wherein one or more removable insulating plugs are inserted into the first and second normally-closed contacts so as to connect a customer with the second telecommunications service provider, or into the third and fourth normally-closed contacts so as to connect the customer with the first telecommunications service provider.

13. The terminal block of claim 7 wherein each of a plurality of first and second connection mechanisms is associated with a corresponding set of third and fourth connection mechanisms.

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14. The terminal block of claim 13 wherein each third connection mechanism includes a first normally-closed contact in series between a first terminal and a second terminal, and a second normally-closed contact in series between a third terminal and a fourth terminal, and each fourth connection mechanism includes a first normally-closed contact in series between a first terminal and a second terminal, and a second normally-closed contact in series between a third terminal and a fourth terminal.

15. The terminal block of claim 14 wherein each respective third connection mechanism is associated with a corresponding fourth connection mechanism such that the second terminal of a respective third connection mechanism is electrically connected to the first terminal of a corresponding fourth connection mechanism, and the fourth terminal of a respective third connection mechanism is electrically connected to the third terminal of a corresponding fourth connection mechanism.

16. The terminal block of claim 15 wherein each of respective pairs of first and third terminals of third connection mechanisms are connected to corresponding outgoing twisted-pair telephone lines routed to a customer premises.

17. The terminal block of claim 15 wherein each of respective pairs of second and fourth terminals of fourth connection mechanisms are connected to corresponding outgoing twisted-pair telephone lines routed to a customer premises.

18. The terminal block of claim 16 wherein each of respective pairs of second and fourth terminals of first connection mechanisms are connected to corresponding input terminals of an ancillary switching device including a mechanism for providing local loops on the outgoing twisted-wire pair telephone lines.

19. The terminal block of claim 17 wherein each of respective pairs of second and fourth terminals of first connection mechanisms are connected to corresponding input terminals of an ancillary switching device including a mechanism for providing local loops on the outgoing twisted-wire pair telephone lines.

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20. The terminal block of claim 18 wherein each of respective pairs of second and fourth terminals of third connection mechanisms are connected to corresponding output terminals of the ancillary switching device.

21. The terminal block of claim 19 wherein each of respective pairs of second and fourth terminals of third connection mechanisms are connected to corresponding output terminals of the ancillary switching device.

22. The terminal block of claim 15 wherein each of respective pairs of first and third terminals of third connection mechanisms are connected to corresponding outgoing twisted-pair telephone lines routed to a customer premises, and each of respective pairs of second and fourth terminals of fourth connection mechanisms are connected to corresponding outgoing twisted-pair telephone lines routed to a customer premises.

23. The terminal block of claim 22 wherein a disabling mechanism disables the first connection mechanism and the associated third connection mechanism to provide access to the second service provider, or disables the second connection mechanism and the associated fourth connection mechanism to provide access to the first service provider.

24. The terminal block of claim 23 wherein the disabling mechanism includes one or more removable insulating plugs which are insertable into any of the normally-closed contacts such that, upon insertion, electrical continuity between the normally-closed contacts is broken.

25. A method for connecting a customer with any of a plurality of telecommunications service providers, comprising:

providing a terminal block having:

a first connection mechanism which, when not disabled, connects a customer to a first service provider;

a second connection mechanism which, when not disabled, connects the customer to a second service provider; and

wherein the first and second connection mechanisms each include normally-closed contacts; and

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inserting one or more insulating plugs into at least one of the normally-closed contacts, so that either the first connection mechanism or the second connection mechanism is disabled during a time when the customer receives telecommunications service.

X. EVIDENCE APPENDIX

In this Appeal, Appellants do not rely on any evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, or on any other evidence entered by the Examiner.

XI. RELATED PROCEEDINGS APPENDIX

There are no related proceedings.

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